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Newly submitted claims 1-2, 4 and 17 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Original claims 1-2 and 4 are directed to a light emitting element; and a substrate mounting the light emitting element thereon and having an optical path transforming structure, wherein an integral semiconductor body comprises each of the light emitting element and the substrate, whereby comprises a surface of the light emitting element and the a surface of the substrate are attached to each other. While the new claims 1-2, 4 and 17 are direct to a light emitting element and a substrate mounting the light emitting element thereon and having an optical path transforming structure, both formed on the same semiconductor; and wherein the semiconductor substrate comprises a GaAs layer and a semiconductor layer, and the light emitting element is formed on the GaAs layer and the optical path transforming structure is formed on the semiconductor layer. If these groups of inventions were originally were presented together for examination they indeed would have been restricted as being directed to an invention that would require a different search than that of the other invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-2, 4 and 17 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a *bona fide* attempt

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to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

## Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kianni C. Kaveh whose telephone number is 571-272-2417. The examiner can normally be reached on 9:30-19:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kianni C Kaveh/

Primary Examiner, Art Unit 2883

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